

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Mailed: January 17, 2002

Opposition No. 91117490

INFORMATION BUILDERS,  
INC.

v.

TECHNIFOCUS, LLC

**David Mermelstein, Interlocutory Attorney:**

On January 11, 2001, opposer filed a motion for a one-month extension of the testimony periods, due to scheduling problems with both the primary attorney and opposer's witness. Opposer's counsel indicated that it sought the applicant's consent to the extension, but that applicant's counsel declined to so stipulate.

Time is of the essence because the time periods in question are running. Accordingly, on January 17, 2002, the undersigned initiated a brief telephone conference to resolve opposer's motion. Participating were Howard F. Mandelbaum, for opposer,<sup>1</sup> Elizabeth S. McClure, for applicant, and the undersigned Board interlocutory attorney.

The Board inquired whether applicant opposed the motion to extend. Applicant responded that it did, because of what

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<sup>1</sup> Alan Levine, lead counsel for opposer was out of the office and not available to participate.

it characterized as the delays caused by opposer's previous extension requests. The Board disagrees. The record indicates only two previous extension requests by opposer, on May 11, 2000, and on July 30, 2001. Both requests were consented to by applicant, and in any event, we do not see the delays in this case as either excessive or the result of unwarranted motions practice by opposer.

Accordingly, good cause having been shown, opposer's motion is GRANTED. Trial dates are reset as follows:

**DISCOVERY PERIOD TO CLOSE:**

**CLOSED**

Testimony period for party in position of plaintiff to close: (opening thirty days prior thereto)

**February 28, 2002**

Testimony period for party in position of defendant to close: (opening thirty days prior thereto)

**April 29, 2002**

Rebuttal testimony period to close: (opening fifteen days prior thereto)

**June 13, 2002**

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

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